IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.3062 of 2007
Date of Decision: 1.3.2007

M/s Gee Gee Exports Pvt. Ltd.

Petitioner

versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE VINOD K. SHARMA

Present: Shri P.S.Bajwa, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer to quash award dated 30.7.2002 and consequent order passed under Section 33-C(2) of the Industrial Disputes Act, 1947 (in short the Act).

It is not in dispute that before passing award dated 30.7.2002, opportunity was provided to the petitioner, to opposte claim of the respondent-workman. After putting in appearance before the Labour Court, the petitioner failed to contest the claim and accordingly, an ex-parte award was passed on the date, referred to above. After notification of the award, no challenge was laid to the same. Respondent-workman thereafter filed an application under Section 33-C(2) of the Act in the year 2004. Even after receipt of notice of that application, no attempt was made to lay challenge to the award passed in the year 2002. The petitioner continued to contest application filed by the respondent-workman, as referred to above and now when order has been passed against the petitioner, in that application, it has also challenged the award, earlier passed. We feel that no case is made out

for interference so far as award is concerned. No explanation has been given for not challenging the same at a proper stage. So far as order Annexure P/5 is concerned, once the award has become final, the same is bound to be implemented. The contention of counsel for the petitioner is that the respondent-workman had abandoned the service. This plea was also taken before the Labour Court, however, the same was rejected. At this stage, when the award has become final, this argument is not available to the petitioner-management before this Court and also in application under Section 33-C(3) of the Act, which was filed by the workman, to implement the award, referred to above. The petitioner has failed to show any infirmity in the order passed.

Dismissed.

(Jasbir Singh)
Judge

March 01, 2007 **(Vinod K.Sharma)**
gk **Judge**